

REMARKS

A request for continued examination accompanies this response. Upon entry of the foregoing amendments, claims 21-23, 25-29 and 35-36 are pending in this application. The title has been amended to correspond to the claims.

Claims 21-22 were rejected as anticipated by D'Elia U.S. Patent No. 5,000,325. Claim 21 has been amended to include certain limitations of claim 26, and as such this rejection should no longer be applicable.

Claims 23 and 25-29 were rejected under 35 USC 103 as unpatentable over Foster et al. U.S. Patent No. 5,815,903 ("Foster") in view of D'Elia U.S. Patent No. 5,000,325. D'Elia describes a sorting rack for mail, the rack having a plurality of vertically-spaced, horizontally extending elements. A plurality of bags are removably supported on the horizontally extending elements for receiving mail therein. Reference number 30 is used twice, the first time as a destination identification tag to aid in manual mail sorting. D'Elia teaches repeatedly that the bags should be oriented horizontally. Once sorting is completed, the bags are removed (claim 1 and col. 5, lines 9-18.)

Foster describes a packaging system including a container, bin or rack for storing objects in a suspended manner using compliant receptacles suspended from a hanger bar. In the embodiments using single or multi-pouches 16, the pouches open upwardly but are not readily removable; hanger bars 14 extend through holes (apertures) 50 in the corners of the sheets used to form the pouches. There is no mention in Foster of any reason to store mail in such a system. The emphasis is on the storage of objects of various shapes and the protection of stored articles from damage (col. 1, lines 25-36).

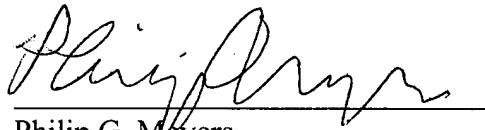
No sufficient basis exists for combining D'Elia with Foster. The examiner suggests the combination is obvious because "it would have been obvious ... to have placed mail pieces in the devices of Foster et al. '903, since the system thereof [of] capable of holding such elements, thereby increasing ease in organization capabilities." (At page 4.) That a combination is possible and might result in some form of improvement does not mean that it would have been obvious to make the combination, absent a suggestion or incentive arising in the references to do so. The Federal Circuit requires a "rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." In re Dembiczak, 175 F.3d 994, 999-1000 (Fed. Cir. 1999). The factual inquiry whether to combine references must be thorough and searching. In re Lee, 277 F.3d 1338 (Fed. Cir. 2002). It must be based on objective evidence of record. The need for specificity pervades this authority. See, e.g., In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed").

The general concept of increasing ease of organization does not arise from the references and is not specific enough to meet the foregoing requirements. Even if it did, it is not apparent that it would apply here, since D'Elia's device appears to be better adapted to receive mail than Fosters', which is designed for storage of objects in a variety of shapes. Foster's device is a packaging system for storage or transport purposes wherein the pouches are oriented vertically and cannot readily be removed. It would not have been obvious to one skilled in the art to use a device intended for storage or packaging in place of a rack for use in mail sorting where the bags are removed at the end of sorting,

as taught by D'Elia. Thus, no prima facie case of obviousness has been made out as to the invention described in the pending claims as now amended.

It is believed that no additional fees are due. However, if this is incorrect, please charge any additional fee to Deposit Account No. 50-1588.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Philip G. Meyers", written over a horizontal line.

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